

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

FELICIA MAJORS,

Case No. 2:15-CV-1126 JCM (VCF)

Plaintiff(s),

ORDER

V.

CENTENNIAL HILLS HOSPITAL,

Defendant(s).

Presently before the court is defendant Centennial Hills Hospital's motion to dismiss. (Doc. #9). Plaintiff Felicia Majors did not file a response, and the deadline to respond has now passed.

Plaintiff filed a complaint alleging that she was discriminated against on the basis of her race in violation of Title VII of the Civil Rights Act of 1964. (Doc. #1). Defendant argues that dismissal is proper because plaintiff failed to properly serve defendant and has not established a prima facie case as to her claims. (Doc. #9).

Pursuant to District of Nevada Local Rule 7-2(d), “the failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion.” D. Nev. R. 7-2(d). However, the court will not automatically grant every unopposed motion. Instead, the court must weigh the following factors before dismissing the action: (1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions. *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

Having considered the motion and plaintiff's complaint in light of the *Ghazali* factors, the court will grant the motion. The first three factors—the public's interest in expeditiously resolving this litigation, the court's interest in managing the docket, and the risk of prejudice to defendants—all weigh in favor of dismissal. *See Ghazali*, 46 F.3d at 53; *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976) (holding that a presumption of injury arises from the occurrence of unreasonable delay). Consequently, the court finds dismissal of plaintiff's complaint against the defendant appropriate.

8 | Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion to
10 dismiss, (doc. #9), be, and the same hereby is, GRANTED. Plaintiff's complaint is hereby
11 DISMISSED without prejudice.

12 The clerk shall close the case.

13 DATED April 8, 2016.

John C. Mahan
UNITED STATES DISTRICT JUDGE